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Notice of Allowability	Application No.	Applicant(s)	
	10/616,757	DUNCAN ET AL.	
	Examiner	Art Unit	
	Tai T. Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/29/05.
2. ☒ The allowed claim(s) is/are 1,2,4-7,10-13,15-30,33-38,41,42,46-49 and 52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with r. MacCord (Reg. No. 28,639) on September 15, 2005.

The application has been amended as follows:

Claim 1, line 16, delete "the" and insert ----an---- in front "operator".

Claim 1, line 18, delete "user" and insert ----operator---- after "requiring".

Claim 2, line 2, delete "user" and insert ----operator---- in front "approximately".

Claim 13, line 1, delete "claim 9" and insert ----claim 10---- after "system of".

Claim 29, line , insert ---- communicating with at least one database and automatically collecting and loading RFID information from database;

automatically collecting and loading relative position data from surveying equipment and GPS derived information;---- after "alert is observed;".

Cancel claims 31-32.

Claim 38, lines 9, insert ----wherein a database is operatively associated with the microprocessor and stores information about identifying data in RFID transponders that may be attached to aboveground objects to be detected, and the microprocessor

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programming compares information about detected RFID transponders attached to aboveground objects with information in the database;

a GPS system to determine a geographic location of the RFID transponder detection system and operatively associated with the processor;---- after "RFID transponder;"

Claim 41, line 1, delete "claim 40" and insert ----claim 38---- after "as claimed in".

Claim 42, line 1, delete "claim 40" and insert ----claim 38---- after "as claimed in".

Cancel claims 39-40, 43-45, 50-51, and 53.

Allowable Subject Matter

2. Claims 1-2, 4-7, 10-13, 15-30, 33-38, 41-42, 46-49, and 52 are allowed (renumbered as 1-39).

3. The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or suggest, in the claimed combination, a system for automatic detection and identification of a hidden aboveground fixed utility object having an RF scanner/receiver that communication with a control head, wherein control head includes at least one microprocessor and a user interface for automatically communicating the identification of the object and the RF scanner/receiver and the control head being removable mounted on a mobile machine, thereby providing an operator an adequate alert about the identity and location of the object, without requiring operator interpretation when the machine comes in proximity of one transponder and allowing the operator of the machine to avoid the object tagged by a respective transponder.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

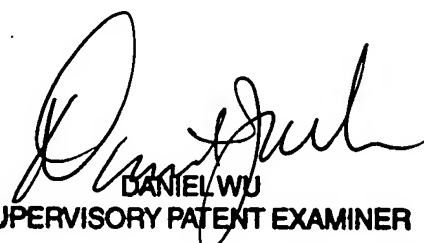
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 15, 2005
Tai T. Nguyen
Examiner
Art Unit 2632


DANIEL WU
SUPERVISORY PATENT EXAMINER

9/26/05